



Ministry of
Community and
Social Services

Ontario

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Reporting child abuse

**Your responsibility under Ontario's
Child and Family Services Act**



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Introduction

In November 1985, Ontario's Child and Family Services Act (CDSA) was proclaimed. The Act provides for a broad range of services for families and children, including those who are victims or suspected victims of child abuse or neglect.

A paramount objective of the Act is to promote the best interest, protection and the well-being of children.

Furthermore, the Act recognizes that each of us has a responsibility for the welfare of children. The Act places special reporting responsibilities on professionals whose work involves children. However, it states clearly that members of the public also have an obligation to report promptly to a children's aid society if they believe that a child is or may be in need of protection.

The Act defines the term, "child in need of protection", and describes what circumstances must be reported to a children's aid society*. This brochure summarizes the reporting responsibilities of both the general public and professionals under Ontario's Child and Family Services Act. It is not meant to give specific legal advice. If you have questions about a given situation, you should consult a lawyer or the children's aid society.

* In some Ontario communities, the children's aid society is known as family and children's services.

Public responsibility to report a child in need of protection CFSA s.68(2)

Every person who believes on reasonable grounds that a child *is* or *may be* in need of protection must report promptly the belief *and* the information upon which it is based to a children's aid society.

Special responsibilities imposed on professionals and officials to report abuse CFSA s.68(3)

Professional persons and officials have the same duty as any member of the public to report a child's need for protection. However, the Act recognizes that persons working closely with children have a special awareness of children who may be in an abuse situation. Thus the legislation gives these professionals a particular reporting responsibility.

A professional or official who in the course of his/her duties with respect to a child has reasonable grounds to suspect that a child *is* or *may be suffering* or *may have suffered abuse* shall report forthwith the suspicion *and* the information upon which it is based to a children's aid society.

Professionals affected CFSA s.68(4)

The professional duty to report affects the following persons:

- (a) health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- (b) teachers, and school principals;
- (c) social workers and family counsellors;

- (d) priests, rabbis and other members of the clergy;
- (e) operators or employees of day nurseries;
- (f) youth and recreation workers (not volunteers);
- (g) peace officers and coroners;
- (h) solicitors;
- (i) service providers and employees of service providers; and
- (j) *any other person who performs professional or official duties with respect to a child.*

What constitutes “abuse” for the purpose of professional reporting?

CFSA s.68(1)

A child suffers “abuse” in any of the following circumstances:

- (a) the child has suffered physical harm, either inflicted by the person having charge of the child or caused by that person’s failure to adequately:
 - care and provide for the child, or
 - supervise the child, or
 - protect the child;
- (b) the child has been sexually molested or sexually exploited by the person having charge of the child, or by another person where the person having charge of the child:
 - knows or should know of the possibility of sexual molestation or sexual exploitation, and
 - fails to protect the child;
- (c) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child’s parent or the person having charge of the child:
 - does not provide the treatment, or
 - refuses to provide the treatment, or
 - is unavailable to consent to treatment, or
 - is unable to consent to the treatment;

- (d) the child has suffered emotional harm, demonstrated by:
- severe anxiety, or
 - severe depression, or
 - severe withdrawal, or
 - severe self-destructive or aggressive behaviour,
- and the child's parent or the person having charge of the child:*
- does not provide services or treatment to remedy or alleviate the harm,
 - refuses to provide such services or treatment,
 - is unavailable to consent to such services or treatment,
 - is unable to consent to such services or treatment;
- (e) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development, and the child's parent or the person having charge of the child either:
- does not provide treatment to remedy or alleviate the condition,
 - refuses to do so,
 - is unavailable to consent to treatment,
or
 - is unable to consent to treatment.

Professional confidentiality

CFSA s.68(3)(7)

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official.

The professional must comply with the reporting law even though the reported information may be confidential or privileged. The only privilege not subject to the reporting law is that between a solicitor and his/her client.

Protection from liability CFSAs.68(7)

Should civil action be brought against a person who made a report, he/she will be protected unless he/she acted maliciously or without reasonable grounds for his/her belief or suspicion.

Penalty for failure to report CFSAs.81(1)(b)

Failure to report is an offence under the Child and Family Services Act. Any professional who fails to report his/her suspicion of a child's abuse is liable on conviction to a fine of up to \$1,000.

What will the children's aid society do?

Children's aid society workers have the authority and the responsibility to take immediate action. If need be, they can remove a child immediately to a place of safety.

A worker will investigate each report discreetly and, if necessary, call on the police and other community agencies for help.

If you believe or suspect that a child is in need of protection, contact your local children's aid society immediately. No matter how well staffed a society may be, or how skilled its workers, a society needs co-operation and support from other professionals and the community in general.

How to contact a children's aid society

Check the telephone directory for the office closest to you. The emergency page in most Ontario telephone directories has the number to call for suspected child abuse.

All the child protection agencies (children's aid societies/family and children's services) have emergency service 24 hours a day, so that you can call anytime.

For further information

Contact your local children's aid society or family and children's services.

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